

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANDREW STEVEN GRAY, )  
Petitioner, ) CASE NO. C10-2045-MJP-MAT  
v. )  
ORDER GRANTING  
MARIAN FEATHERS, *et al.* ) RESPONDENTS' MOTION FOR  
Respondent. ) EXTENSION OF TIME

This is a federal habeas action brought under 28 U.S.C. § 2241. Petitioner asserts in his federal habeas petition that the United States Bureau of Prisons has violated his rights to due process and equal protection by denying him early release for successful completion of the Residential Drug and Alcohol Program. On March 1, 2011, respondents filed an answer to the petition in which they argued that the petition should be denied because petitioner failed to exhaust his administrative remedies. (Dkt. No. 10.)

On May 9, 2011, petitioner filed a response to respondents' answer in which he argues that he did attempt to exhaust his remedies but was frustrated in his attempt to do so while at FDS Sea-Tac. (Dkt. No. 14.) He further argues that after he was transferred to FDC

ORDER GRANTING RESPONDENTS'  
MOTION FOR EXTENSION OF TIME  
PAGE - 1

01 Sheridan, he was advised by the drug treatment coordinator there that it would be futile for him  
02 to exhaust his administrative remedies. (Dkt. No. 14.)

03 Respondents now move for an extension of the deadline to file a reply brief to allow  
04 them time to investigate petitioner's allegations regarding his efforts to exhaust. (Dkt. No.  
05 15.) While respondents' motion is not noted on the Court's calendar for consideration until  
06 May 27, 2011, a review of the parties' briefs makes clear that the information being sought be  
07 respondents is necessary in order for the Court to address the exhaustion arguments raised by  
08 the parties. In this instance, it would serve no purpose to wait until the designated noting date  
09 to rule on respondents' pending motion.

10 Based on the foregoing, the Court does hereby ORDER as follows:

11 (1) Respondents' motion for a two-week extension to file a reply brief (Dkt. No. 15)  
12 is GRANTED. Respondent is directed to file and serve a reply brief not later than **May 27,**  
13 **2011.**

14 (2) Petitioner's federal habeas petition is RE-NOTED on the Court's calendar for  
15 consideration on *May 27, 2011*.

16 (3) The Clerk shall direct copies of this Order to petitioner, to counsel for  
17 respondent, and to the Honorable Marsha J. Pechman.

18 DATED this 17th day of May, 2011.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge

ORDER GRANTING RESPONDENTS'  
MOTION FOR EXTENSION OF TIME  
PAGE - 2